

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
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2019 JUN 24 PM 4: 16

Kayla T. Frazier,

Plaintiff,

v.

Case No. 2:18-cv-1597

Megan S. Brennan, et al.,

Judge Michael H. Watson

Defendants.

Magistrate Judge Vascura

OPINION AND ORDER

Plaintiff objects to the Magistrate Judge's Order and Report and Recommendation ("R&R"), ECF No. 3, granting Plaintiff leave to proceed *in forma pauperis* and recommending that this case be dismissed. Plaintiff objects to the R&R. ECF No. 4.


"Title 28 U.S.C. § 636(b)(1) provides for *de novo* review of a magistrate judge's report and recommendations to which objections have been made by any party." *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986); *see also* Fed. R. Civ. P. 72(b)(2). But only those objections that are specific are entitled to a *de novo* review under the statute. *Mira*, 806 F.2d at 637. "The parties have the duty to pinpoint those portions of the magistrate's report that the district court must specially consider." *Id.* (internal quotation marks and citation omitted). An "objection" that does nothing more than disagree with a magistrate judge's determination, "without explaining the source of the error," is not a valid objection. *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Without specific objections, "[t]he functions of the district court are effectively duplicated as both the

magistrate and the district court perform identical tasks. This duplication of time and effort wastes judicial resources rather than saving them, and runs contrary to the purposes of the Magistrates Act.” *Id.*¹

Plaintiff does not meaningfully object to the R&R. The R&R recommended dismissal of this Title VII action because Plaintiff had been informed by the Equal Employment Opportunity Commission that she was required to sue by September 24, 2018. R&R 5, ECF No. 3. Plaintiff did not sue until December 7, 2018. *Id.* Plaintiff’s response to the R&R does not address the untimely filing of this lawsuit and instead simply restates the general basis for Plaintiff’s case. Obj., ECF No. 4. This does not refute the basis for the R&R. Therefore, and for the reasons well-detailed in the R&R, Plaintiff’s Objection, ECF No. 4, is **OVERRULED**. The R&R, ECF No. 3, is **ADOPTED** and **AFFIRMED**. This case is **DISMISSED**.

Finally, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that, for the reasons provided in the R&R, any appeal of this Order would not be taken in good faith and therefore **DENIES** Plaintiff leave to appeal *in forma pauperis*.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT

¹ The R&R advised Plaintiff that she was required to file “written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s).” R&R 6, ECF No. 3.